

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324 PENSION
FUND, OPERATING ENGINEERS' LOCAL 324 HEALTH
CARE PLAN, OPERATING ENGINEERS' LOCAL
324 VACATION & HOLIDAY FUND, OPERATING
ENGINEERS' LOCAL 324 RETIREE BENEFIT FUND,
OPERATING ENGINEERS' LOCAL 324 APPRENTICESHIP
FUND, and OPERATING ENGINEERS' LOCAL 324
DEFINED CONTRIBUTION PLAN,
Trust Funds Established and Administered
Pursuant to Federal Law,

Plaintiffs,

v.

Case No. 04-74985

Hon. Robert H. Cleland

SIMONE CONTRACTING CORPORATION, a
Michigan Corporation, SIMONE SERVICES, LLC,
A Michigan Limited Liability Company, SALVATORE
SIMONE, ROGER FOX and MARIO SIMONE, Individually.

Defendants.

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ORDER TO DISMISS WITHOUT PREJUDICE

At a session of said Court, held in the City
of Detroit, County of Wayne, State of
Michigan, on July __28, 2005.

Present: Hon. Robert H. Cleland
U.S. District Court Judge

This matter having come before the court upon stipulation by the parties to dismiss this matter without prejudice and without costs to either party, and the court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that this matter is dismissed without prejudice and without costs to either party.

s/Robert H. Cleland
ROBERT H. CLELAND
U.S. District Court Judge

This Order Prepared By:

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